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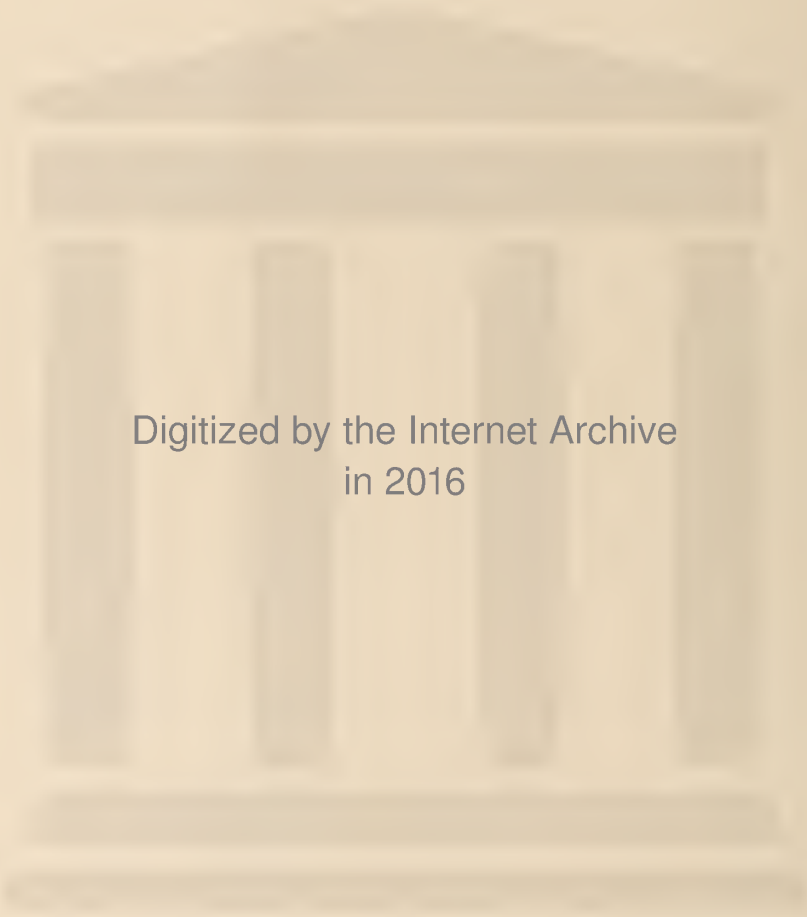
# THE INTERNATIONAL LABOUR ORGANISATION AND PACIFIC COUNTRIES

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THE INTERNATIONAL LABOUR  
ORGANISATION  
AND  
PACIFIC COUNTRIES



## INTRODUCTORY NOTE

The fruitful and harmonious development of relations between the Institute of Pacific Relations and the International Labour Organisation could not have been better symbolised than by the invitation extended to the International Labour Office by the Institute to be represented officially at the Third Conference of the Institute at Kyoto. Different in constitution and composition—for, as will be seen below, the International Labour Organisation is an association of States—the two organisations have many ideals and problems in common. To promote international and social peace based upon justice is the principal aim of all their activities. In furthering this aim within the Pacific area the Institute is inevitably confronted with many complex problems in which relations between States in labour matters, between employers and workers, between workers and the State, and between workers of different races are important factors. The International Labour Organisation deals with these problems on a world-wide plan. There is, therefore, much to be gained by the constant interchange of information and experience between the two organisations as well as by close personal relations between their representatives.

It is the main object of this memorandum to state briefly what the International Labour Organisation is, what it has done and is doing—particularly in relation to Pacific countries—how its work bears on that of the Institute of Pacific Relations and the problems which the latter is studying at Kyoto, and incidentally to make some suggestions regarding future research.



# THE INTERNATIONAL LABOUR ORGANISATION AND PACIFIC COUNTRIES

## I. THE INTERNATIONAL LABOUR ORGANISATION

The Preamble to Part XIII of the Treaty of Peace of Versailles is so concise and reasoned that the simple quotation of its terms is sufficient to explain the philosophical, social and economic reasons for the creation of the International Labour Organisation.

“Whereas”, it runs, “the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice ;

“And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled ; and an improvement of those conditions is urgently required.....

“Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries ;

“The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following.”

The International Labour Organisation is an autonomous institution within the general framework of the League of Nations. The primary object of the League is the establishment of universal peace. The primary object of the Organisation is the establishment of a pre-requisite to such peace by the elimination of social injustice.

Its constitution forms part of the general peace settlement effected at Versailles (Part XIII of the Treaties of Versailles, St. Germain and Trianon, and Part XII of the Treaty of Neuilly). Membership of the League of Nations carries with it membership of the International Labour Organisation. There have, however, been cases in which States which were not Members of the League have been admitted to the Organisation, e.g. Germany and Austria, and at the present time Brazil, which has withdrawn from the League but continues to collaborate fully with the International Labour Organisation. The Organisation at present consists of 55 Member States. Costa Rica, Ecuador, Mexico, the Union of Socialist Soviet Republics and the United States of America are among

**Compo-  
sition**

the States which remain outside, though with the most important of these co-operation has been possible on many technical questions.

As in the case of the League, membership of the Organisation is thus Governmental. But, in contradistinction to the League, the Organisation's constitution reserves considerable rights and duties to non-Government representatives of employers and workers.

#### Objects

The Organisation has two primary functions. Of these the first in importance is the elaboration of international agreements fixing minimum standards in regard to specific labour problems. This has often been somewhat loosely described as a work of international labour legislation, a term which has led to some unnecessary apprehensions on the part of those careful for the maintenance of the sovereign rights of States and to some unjustified hopes on the part of those dreaming of a short cut to Utopia. Nevertheless, it is true to say that the International Labour Conference is gradually drafting a code of international labour legislation, which becomes effective when, and in as far as, it is embodied in national law, and the application of which is to some extent under international supervision. But the International Labour Conference does not, and cannot, legislate directly.

If the elaboration of this code is in point of importance the first function of the Organisation, in point of time the first is the collection and distribution of information. To such a body as the Institute of Pacific Relations, it is not necessary to insist that the foundations for any sane action, international or national, can only be found in the collection and study of the facts and in the education of opinion, both expert and general, as to the necessity of such action. The following paragraphs summarising the machinery of the Organisation will suffice to indicate the way in which these studies are pursued and the forms which are given to the results of such studies.

#### Inter- national Labour Conference

The International Labour Conference meets at least once a year. Each Member State has the right to send four Delegates, two representing the Governments and two representing the employers and workers, and chosen, wherever possible, in agreement with the most representative organisations of employers and of workers respectively.

To the political theorist this threefold basis of the Conference is of particular interest. The practical result has been that the problems before the Conference are not thrashed out on grounds of national interest alone, but on grounds of varying ideas and economic interests. In



particular the workers and employers have tended to form homogeneous groups or parties with the object of defending the interests of those they represent. Indeed, this situation has given rise to complaints that the employers and workers too often perpetuate on the Conference floor the very differences which it is the Conference's duty to harmonise. It is, however, rather a sign of the vitality of the Conference and its touch with realities. To it can be applied Mr. Condliffe's comment on the Institute of Pacific Relations: "When it begins to take on the appearance of a love-feast or to shirk topics of discussion on which feeling appears to run too high, it will begin to lose any importance and value it possesses." The non-Government representation in a primarily Governmental institution such as the International Labour Organisation is not only a valuable experiment in international politics; it is also an essential guarantee for the execution of the principles summarised in the Preamble. It should be added that although the Workers' and Employers' Groups defend with vigour their respective positions throughout the discussions, solutions are generally reached which obtain the support of the great majority of the Conference. A two-thirds majority is constitutionally necessary for the adoption of a final decision and the number of occasions on which this has not been obtained is very small.

The Conference is a forum for international social questions, where the non-Governmental participation encourages frankness and the Governmental participation responsibility. The debates which have taken place, for example, on the interdependence of social efforts in Japan and India, and on the social consequences of extraterritoriality in China, are no mere shadow-boxing. Blows—verbal, of course—have been delivered and registered. The attention of Governments has been drawn directly to problems which, if agitated in the press or through private organisations, might never have progressed beyond mere agitation.

Nevertheless, the chief function of the Conference is of the semi-legislative character mentioned above, effected by the adoption of Recommendations and Draft Conventions. Although both of these types of decision must be submitted by the States Members to their respective competent authorities, the international consequences of approval by these authorities are very different. The only international obligation involved in approval of a Recommendation is that of informing the League of the action taken to give it effect. Approval of a Convention, however, should be followed by formal ratification, by which the State concerned contracts

strictly defined international responsibilities, the observance of which is supervised by the Organisation and may in the last instance be enforced by sanctions imposed by the Permanent Court of International Justice. The Conventions adopted therefore tend to deal with precise subjects, and the obligations imposed tend to be of a precise nature. The Recommendations, on the other hand, are more general in scope. Sometimes they form a corollary to a Convention adopted at the same time, and contain principles approved during the study of the Convention but regarded as of too general a nature or as demanding too many exceptions for treatment in the more rigid form. Sometimes they are in the nature of an approved report suggesting the lines along which further developments should be directed.

Since the First Session in 1919, the Conference has adopted 28 Draft Conventions and 34 Recommendations. The following table shows the nature of the Conventions and the extent to which they have been ratified on 1 August 1929:

Conference	Title of Convention	Number of Ratifications
1919	Hours ... ..	14
1919	Unemployment ... ..	23
1919	Childbirth ... ..	11
1919	Night work of women ... ..	19
1919	Minimum age (industry) ... ..	18
1919	Night work of young persons ... ..	21
1920	Minimum age (sea) ... ..	22
1920	Unemployment indemnity for seamen ... ..	13
1920	Employment for seamen ... ..	16
1921	Minimum age (agriculture) ... ..	12
1921	Rights of association (agriculture) ... ..	19
1921	Workmen's compensation for accidents (agriculture) ... ..	12
1921	Use of white lead ... ..	18
1921	Weekly rest (industry) ... ..	17
1921	Minimum age (trimmers and stokers) ... ..	21
1921	Medical examination of young persons (sea) ... ..	21
1925	Workmen's compensation for accidents ... ..	10
1925	Workmen's compensation for occupational diseases ... ..	16
1925	Equality of treatment (workmen's compensation) ... ..	24
1925	Night work in bakeries ... ..	3
1926	Inspection of emigrants on board ship ... ..	9
1926	Seamen's articles of agreement ... ..	6
1926	Repatriation of seamen ... ..	5
1927	Sickness insurance (industry, commerce and domestic service) ... ..	6
1927	Sickness insurance (agriculture) ... ..	4

1928	Minimum wage fixing machinery... ..	2
1929	Prevention of industrial accidents (marking of weights) ... ..	0
1929	Prevention of industrial accidents (loading or unloading vessels) ... ..	0
Total... ..		362

The long series of Recommendations adopted by the Conference deals with unemployment in industry and agriculture, the position of foreign workers in relation to social legislation, migration statistics and protection of emigrant women and girls, problems of industrial hygiene, factory inspection and inspection of seamen's conditions of work, other problems of maritime labour, problems of agricultural employment, workmen's compensation for accidents and occupational diseases, questions of working hours and spare time, sickness insurance and the application of minimum wage-fixing machinery. As already stated, the Recommendations are not subject to ratification and do not, when accepted by a State, involve international obligations. Their value lies in the formulation of principles designed to serve as guiding lines for national legislators, and as such they have proved their worth.

The Conference also adopts Resolutions which are generally concerned with the tasks which the Conference considers it most urgent to undertake in the near future, but which also occasionally formulate principles or desiderata. Reference will be made to some of these Resolutions in the further course of this memorandum, but two which are of particular interest may be mentioned here.

In 1925, on the proposal of the Indian Workers' Delegate, the Conference adopted a Resolution inviting the International Labour Office, in consultation with the Governments concerned, to undertake a documentary enquiry into the conditions of labour in Asiatic countries, and more especially, in China, India, Japan, Persia and Siam, and the colonies, protectorates and mandated territories in Asia. A great deal of the documentary material for this enquiry has already been collected. When it is completed the results will be published, and it is hoped that they will form an authoritative account of the general situation in Asiatic countries so far as such an account can be based on a documentary enquiry. From it certain questions may emerge which will suggest the advisability of research and field work in which the Institute of Pacific Relations might wish to co-operate. Should this prove the case, the Office would welcome such co-operation and would be pleased to make available any relevant data in its possession.

A second Resolution of the International Labour Conference of interest to the Kyoto Conference is that adopted in 1929 on the proposal of the Chinese Workers' Delegate. This Resolution draws the attention of States Members of the Organisation to the necessity of securing equality of treatment between national workers and foreign workers of colour employed within the territory of the States or their possessions and colonies. The Resolution further invites the Governing Body to examine the advisability of placing on the Agenda of an early Session on the Conference, if possible in 1931, the question of equality of treatment between these classes of workers.

Before leaving the Conference, mention must be made of the two subjects which came up for a first discussion at the recent Session: *Forced Labour* and *Hours of Work of Commercial Employees*. The first of these subjects, in particular, is of great importance to the Pacific States with dependencies or mandated territories and to the Pacific dependencies of European powers. On both these subjects it is anticipated that the Conference will next year take decisions in the form of Draft Conventions and Recommendations.

Inter-  
national  
Labour  
Office

The duties of the Office, as defined in the Treaty of Peace, include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour (and particularly the examination of subjects which it is proposed to bring before the Conference), the preparation of the Agenda of the Conference, the preparation of publications on problems of industry and employment of international interest, and such other duties as the Conference may assign to it.

In order to carry out its research functions, special study groups of permanent officials have been created for the examination of such subjects as agricultural labour, seamen's labour, native labour, social insurance, unemployment and migration, industrial hygiene and safety, labour legislation and labour statistics.

As regards the distribution of information, the Office publishes periodically a collection of official documents in its *Official Bulletin*, the monthly *International Labour Review*, which aims at the status of a learned periodical on social questions, and *Industrial and Labour Information*, which is a weekly summary of current events. It is also hoped, before the end of the year, to issue the first number of a special publication relating to native labour, which will be quarterly, and will endeavour to satisfy the



need for the interchange of information on the industrially backward areas mainly found in the tropical and sub-tropical world.

Of the non-periodical publications, mention must be made of the documents of the Conference (the "grey" Reports which state the existing law and practice regarding any subject coming before the Conference for first discussion, the "red" Questionnaires, the "blue" Reports which contain the replies of Governments to the Questionnaires and the texts of draft Conference decisions, and the Records of the Conference proceedings), of the *Legislative Series*, in which the texts or translated texts of the principal laws affecting labour throughout the world are published and of *Studies and Reports*, which are the results of scientific investigations into a wide range of social and labour problems.

It is unnecessary to describe here the diplomatic and administrative machinery of the Office or its arrangements for keeping in touch with international and national organisations. Mention may, however, be made of the branch offices, known as "Correspondents' Offices," which have been set up in a number of industrial countries. In this part of the memorandum it is not intended to stress particularly the connection between the Office and the countries of the Pacific. Here, however, it seems fitting to deviate from this rule by mentioning that such Correspondents' Offices exist in Tokyo and Washington, and that preparation has been made for the opening of a similar office in China.

The International Labour Office is under the control of a Governing Body at present consisting of twenty-four members. Here again, the principle of non-Governmental representation provided for in the composition of the Conference is followed. Of the twenty-four members, twelve represent Governments, and six are elected by the Employers' Delegates to the Conference, and six by the Workers' Delegates. In order to permit wider representation on the Governing Body, the Conference has adopted an amendment to the Treaty of Versailles increasing the membership to thirty-two, but the amendment has not yet come into force. In the meantime, with the same object in view, a class of members has been created known as deputy members, who have the right to speak but not to vote.

It is to the Governing Body that the Director is responsible for the administration of the Office; the Governing Body also settles the Agenda of the Sessions of the Conference and prepares the budget of the Organisation for submission to the League.

Any account of the International Labour Organisation, however brief, **Committees**

would be incomplete if mention were not made of the technical committees which the Office is using with increasing frequency. Financial considerations alone make it impossible for the Office to have on its staff a sufficient number of qualified experts on any one subject to enable it to prepare the subject for international consideration without outside assistance. Even were this not the case, the Office would seek the aid of eminent experts in its researches, for it fully realises the necessity of keeping in close touch with the most modern thought and experience.

Consequently the Office, to an increasing extent, has sought to associate in its work technical committees composed of the most qualified experts with experience in Government service, professional institutions, industry or academic life, whenever it has undertaken the study of problems of a complex character. Of such a nature are the Committees on social insurance, on native labour, on industrial hygiene and safety, and on migration. Their value is not that they do the work of the Office, but that they subject the Office's work to constructive criticism, and that both in the obtaining and dissemination of information, they form personal links with the outside world which may be obtained by no official relations, no matter how cordial.

## II. PACIFIC COUNTRIES AND THE ORGANISATION

The States directly interested in the Pacific which are not Members of the Organisation are Costa Rica, Ecuador, Mexico, the Union of Socialist Soviet Republics and the United States of America. These countries, however, are by no means indifferent to the work of the Organisation. With the United States, in particular, a valuable degree of co-operation has grown up on subjects of research. The measure of practical collaboration resulting from the other States' membership of the Organisation can best be treated by outlining the part they play in the various divisions of the Organisation's machinery.

Inter-  
national  
Labour  
Conference

Attendance at the International Labour Conference is one of the clearest signs of interest in the Organisation, especially in the case of countries distant from Geneva. But even more significant than the fact of attendance is the character of the delegation present at the Conference. As can be realised, the Organisation, though open to all countries of the world, can be most profitably and directly used by those where industrial organisation is sufficiently advanced to permit the grouping of employers and workers in employers' associations and trade unions. Certain countries,

where this development has not been achieved, find it impossible to take advantage of the three-fold system of representation at the Conference. But the Conference itself consistently insists on the value of sending full delegations wherever practicable.

The chief Pacific countries which are Members of the Organisation have been present at all the Sessions of the Conference held in recent years, with the exception of New Zealand.

The AUSTRALIAN delegation usually consists of one Government Delegate, one Employers' Delegate and one Workers' Delegate. A section of the trade union movement, which has been responsible for linking the Australian Council of Trade Unions with the Pan-Pacific Secretariat under Communist influence, has in recent years opposed the idea of representation at Geneva, but so far the moderate element has prevailed, and an Australian Workers' Delegate has been present.

CANADA has invariably played a prominent part in the Conference. On the Government side, it has been represented on occasions by its Minister of Labour, while among the workers, Mr. Draper and Mr. Tom Moore have with vigour sustained the overseas standpoint when there has been a danger of the Conference adopting a too European attitude.

So far NEW ZEALAND has never been represented, but the present Government has recently announced that in future it will endeavour to arrange for the presence of a delegation.

CHINA has attended the Conference every year with the exception of 1920. By reason, however, of the difficulties of the political situation and the rudimentary stage of trade union development, the Chinese Government was unable until 1929 to send a complete delegation. However, with the unification of the country, such a delegation was able to attend the last Session of the Conference. The first Government Delegate was Mr. T. M. Tchou, Director of the Labour Department at the Ministry of Commerce, Industry and Labour.

JAPAN has always sent a numerous and complete delegation. This is notable in view of the special difficulties Japan used to encounter in the choice of the Workers' Delegate. In 1919 and the following few years the Government did not consider it could send to the International Labour Conference as Workers' Delegate a person chosen by the trade unions, since trade unionism had not developed to any important degree. The Workers' Delegate attending the Conference used therefore to be appointed by the Japanese Government upon its own responsibility, for which reason

his credentials were contested year after year by Japanese trade union organisations. Since 1924, however, the Japanese Government has altered this method of selection of the Workers' Delegate. It now appoints one of the three candidates obtaining the highest votes cast by the trade union members of the country. Japan has been thus able to send to the Conference such prominent labour leaders as Suzuki, Narasaki, Yonekubo and Matsuoka. As regards the Employers' Delegates, the practice of the Government has been to appoint one of the three candidates recommended by the Chambers of Commerce and Industry in Japan. The Presidents of the Chambers of Commerce and Industry in Tokyo, Kyoto, Kobe, Osaka and Nagoya have been Delegates. On the Government side, Japan has always sent prominent men with authority by reason of their technical knowledge and experience.

SIAM is represented at the Conference by Government Delegates.

Lastly, most of the Latin-American countries attend. Here again, difficulties have arisen in the choice of non-Government Delegates, though in recent years, progress has been made. Of the Latin-American countries bordering the Pacific, CHILE, COLOMBIA, HONDURAS, NICARAGUA, PANAMA, PERU and SALVADOR were present at the last Session, CHILE being represented by a complete delegation of Government, Employers' and Workers' Delegates.

It has already been noted that, as in a Parliament or other organised deliberative assembly with a consecutive history, there is a tendency in the Conference towards the formation of definite groups bound by common ideas and interests. The employers and workers often debate and vote with the discipline of a party. At the same time, this vertical grouping of the Conference is not so stabilised as to exclude political or geographical groupings. At times, generally on questions of organisation and representation, the non-European Delegates have voiced common grievances; and although the Pacific has not yet found in the Conference meetings a subject of a nature to create one of those temporary unions, there is no reason to suppose that, should such a subject of Pacific importance arise in the Conference, the Pacific Delegates would not be able to act together.

Among the twelve persons representing the Government on the

**Governing  
Body**

Governing Body of the International Labour Office, eight are nominated by the States Members of chief industrial importance. CANADA and JAPAN have been adjudged to fall within this category. They have, therefore,



permanent representation on the Governing Body. Of the other Pacific countries CHILE was elected to the Governing Body for the three-yearly period between 1925-1928.

In addition Canada has always been represented on the Governing Body by a Workers' Delegate, Mr. Draper holding this office from 1919 to 1922 and Mr. Moore from 1922 onwards. At the last election of the Governing Body by the Conference in 1928, the Workers' Group appointed Mr. Suzuki, President of the General Federation of Labour of Japan, as a deputy member, and the Employers' Group appointed Mr. Fujita, President of the Federation of Chambers of Commerce and Industry of Japan, as a deputy member. Mr. Coulter, of Canada, was a deputy member elected by the employers during the years 1922-1925.

The Governing Body is principally occupied with the administration of the Office. Its meetings are frequent, normally at least once every three months. For this reason, overseas countries have sometimes found it difficult to keep up regular attendance. Nevertheless, the importance of the adequate representation of these countries is now generally recognised. It was largely to meet their claims that the amendment to the Treaty which changes the composition of the Governing Body was adopted. As already stated, this amendment, when it comes into operation—and it is hoped that the few outstanding ratifications will soon be obtained—will increase the membership of the Governing Body from twenty-four to thirty-two. Undoubtedly the position of other Pacific Powers than Canada and Japan will then receive due consideration.

At the present time, in the Office at Geneva, there are four Canadians, three Japanese, one Australian, one Chilean, one Chinese and one New Zealand official. In addition, the United States Industrial Relations Counselors have appointed American experts on industrial relations to be attached to the Office staff.

A large measure of co-operation with distant countries is also effected through the Office's correspondents' branches, and through the permanent delegations which certain countries have created in or near Geneva. As early as 1920, the Japanese Government appointed such a delegation under the representative of the Japanese Government on the Governing Body. The success of its work has led to the creation of permanent delegations of a large number of other Governments. In particular the Canadian Government has taken such action. The Japanese employers have also appointed a permanent delegation for liaison with the Office.

Nevertheless the contacts of the Office with Pacific countries remain insufficient. Even when account is taken of the fact that the Pacific members of the Conference, of the Assembly, of Committees of the League and the Office, as well as the numerous private visitors, take advantage of their stay in Geneva to discuss questions with officials, it remains true that a particular effort is required of the Office to reach out and touch certain problems vital to the cause of world peace, such as those which have rightly been brought to the foreground by the Institute of Pacific Relations. It was largely for this purpose that the Director paid a visit to the Far East in the winter of 1928-1929, that the Chief of the Native Labour Section accepted an invitation to the Dutch East Indies, that every possible opportunity is taken to allow members of the Staff visiting their homes in the Pacific to call at Honolulu, and, finally, that the Office welcomes the invitation to be represented at the Kyoto Conference.

#### Committees

In addition to members of the Governing Body from Pacific countries serving on Committees of the Governing Body, or serving as representatives of the Governing Body on certain Committees, many experts on Pacific problems are members of Committees set up by the Office. The Japanese shipowners are represented on the Joint Maritime Commission; Dr. Nitobe is a member of the Committee on Intellectual Workers; two other Japanese experts are members of the Correspondence Committee on Industrial Hygiene and Safety, on which Canadian and United States experts are naturally numerous by reason of American experience. Many United States experts have also co-operated with the Permanent Migration Committee, as well as Australian, Canadian, Chinese and Japanese experts. The Committee on Native Labour has a Japanese expert and a United States expert.

#### Practical Results in Pacific Countries

However interesting the facts given above regarding the official and personal relations between Pacific countries and the International Labour Organisation may be, it is natural that the question should be asked; What are the practical results? What has been the effect of the Organisation's activities in improving conditions of labour in Pacific countries?

In seeking to answer these questions, it will be convenient to take as the main example the effect given to the Conventions adopted by the Conference, and to begin with the general position.

By August 1929, as the table already given shows, 362 ratifications of Conventions had been registered, which means that in 362 cases States had undertaken to create or preserve a standard of protection determined

by the decisions of the Conference. If this number is compared with the theoretically possible maximum, which, as 26 Conventions have been in existence for a year or more and 55 States are Members of the Organisation, is 1430, it will appear at first sight as though, judged by this test, the Organisation has failed. But such a conclusion would be both erroneous and unjust. The Office does not claim that the results obtained are satisfactory, and much of its effort is directed to increasing the number of ratifications. Nevertheless, in considering the ratification figures it must be remembered that there are many States Members in which the degree of industrial development does not justify, or is not considered by the Governments to justify, the passage of legislation based on the principles of the Conventions. Again, for many States the maritime Conventions have no practical importance. Finally, there are special difficulties, recognised by the Treaty of Peace, in the case of Federal States.

It should, moreover, be added that the practical effect of Conventions is by no means confined to the measures of application taken by countries which have ratified them. In numerous cases, where countries have not been prepared to subscribe to all the clauses of a Convention, legislation based on some of the more important provisions has been adopted.

Such is the general situation. What is the position in the Pacific? To what extent have the Pacific countries ratified international labour Conventions? The answer in figures is simple: Japan 9; Chile 8; Canada 4; Australia 1. But an examination of the situation in more detail shows that the factors mentioned above, which put theoretical maximum beyond the reach of possibility, are of particular importance in the Pacific area.

In AUSTRALIA the position is complicated by the fact that Australia is a Federal State, and the limitations upon the powers of the Commonwealth Government to legislate in labour matters have led the Government to invoke the provisions of the Treaty in the case of Conventions which concern matters within the competence of the States, and to treat such Conventions as Recommendations. Nevertheless, the Commonwealth Government has recently taken the attitude that where the legislation of all the State applies any Convention it is prepared to ratify that Convention provided that the States undertake to make no essential changes in their legislation without previous consultation with the Commonwealth. One Convention, the subject matter of which was within federal competence, has been ratified—that concerning facilities for finding employment for seamen.

No Convention has been ratified by NEW ZEALAND.

It is obvious that the labour legislation standards of Australia and New Zealand are in no way to be judged by their action in the matter of ratification of Conventions. The record of both countries in the sphere of social legislation is generally high. Indeed, it has frequently been argued that as existing legislation in these countries is equivalent to, or more advanced than, the Conventions, ratification is unnecessary. But the fact that these countries have legislation of a more advanced character than that existing in certain other countries which already are, or in the near future may become, their industrial competitors, should give them a vital interest in the promotion of equivalent standards in the countries in question. Moreover, Australia to a considerable extent, and New Zealand still more, look to Great Britain for the marketing of their chief products. When British industry is depressed as the result of competition from countries with lower industrial standards, this has an adverse effect on the market for Australian and New Zealand products, and consequently leads to depression there.

It is no exaggeration, therefore, to say that Australia and New Zealand stand to gain by the ratification of international labour Conventions. Together with the United States and Canada they have the highest industrial standards and the highest standards of living in the Pacific area. Every new ratification gives additional moral force to negotiations with States with different standards, both in the Pacific and other parts of the world, with a view to inducing them to ratify and apply Conventions, and thus bring their standards at least up to the levels fixed in those Conventions.

CANADA, where as a result of its federal constitution the same problem arises as in Australia,<sup>1</sup> has ratified four Conventions, all relating to maritime employment. A number of other Conventions have been endorsed by Provincial Parliaments, and the Pacific Province of British Columbia has legislated for the application of several Conventions, the application of the legislation being conditional upon the adoption of similar measures by other Provinces.

CHINA has not yet ratified any of the Conventions. In addition to the troubled period through which the country has passed, it must be remembered that the problems of industrial labour in China are

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<sup>1</sup> Cf. p. 19.



of very recent growth, and are even now less generally acute than in western countries. China is essentially an agricultural country, 85 per cent. of its population being engaged in agriculture. For historical and legal reasons it has no large agricultural estates employing wage-earners. Even its industry is still mainly based on an artisan system. There are ten times more workers of this kind than workers employed in factories, and the relations between employers and workers, sometimes even conditions of employment, are fixed strictly by occupational guilds such as existed in Europe and in the Middle Ages.

These considerations, nevertheless, though they largely explain the non-ratification of Conventions by China, are not reasons why this situation should be perpetuated. On the contrary, the decisions of the International Labour Conference establishing a minimum standard of labour protection based on the experience of the most advanced industrial States, would appear to be of particular value to those States which willy nilly are entering the era of industrialism. The sufferings sometimes caused by advanced industrialisation are little in comparison with those inflicted on the weaker members of the working classes in the initial stages of any industrial revolution, and that this is realised by the present Chinese Government is clear from a statement in regard to the cotton industry in China made by Mr. Tchou, first Chinese Government Delegate to the last Session of the Conference. Mr. Tchou was moving the draft Resolution relating to extraterritorial jurisdiction referred to below under CHINA, and to illustrate his claim that labour legislation applicable throughout all China was urgently necessary he described as follows the conditions prevailing both in Chinese and foreign-owned factories :

“ There is a regular twelve-hour day with regular day and night shifts. There is no restriction with regard to the employment of children. If you were to visit China to-day you would find children seven, eight or nine years old working in these factories. And they work not only during the day ; you will find them there at night, during the hours when you and I are usually asleep because we want to enjoy the rest which is so indispensable to our health. But you will find these little boys and girls working there, and not only boys and girls. You will find little babies, taken by their mothers who have no other way of looking after them at night in these noisy, damp, inadequate workrooms. Nor is there any restriction as to the employment of women. Women in all conditions are welcome and are allowed to work in the factories no matter whether they

are mothers or expectant mothers. I just point out these few things and I would add that there is no protection against accidents. There is no insurance against accidents or sickness."

The problem of the ratification of Conventions in China is, however, not merely a problem of internal policy or administration. Nor is it entirely a problem between China and the International Labour Organisation. It is influenced to some extent by Chinese relations with foreign powers and the diplomatic situation thus created. For this reason, further reference will be made to it later in this memorandum in the comments which the Office is venturing to make on the items on the Agenda of the Kyoto Conference.

One of the most satisfactory results to be chronicled is the progress made in the ratification of Conventions by JAPAN. In this country, where the industrial revolution has been recent and sudden, where older conceptions of production and social relationships still subsist, a considerable degree of success has been obtained in using the machinery of the International Labour Organisation to secure to the workers participation in the benefits of cheaper production, and protection against the hardships of the age of machines.

Japan has ratified the following nine Conventions:

Convention concerning unemployment;

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|---|---|---|
| „ | „ | minimum age (industry);                         |
| „ | „ | minimum age (sea);                              |
| „ | „ | employment for seamen;                          |
| „ | „ | minimum age (agriculture);                      |
| „ | „ | medical examination of young persons (sea);     |
| „ | „ | workmen's compensation for industrial diseases; |
| „ | „ | equality of treatment (accidents);              |
| „ | „ | inspection of emigrants on board ship.          |

The ratification of these Conventions has resulted in the enactment of various important laws. In order to give effect to the Unemployment Convention, Japan passed the Employment Exchanges Act in 1921, and over 200 free public employment exchanges have been set up throughout the country. The Minimum Age of Industrial Workers Act is another instance of special legislation resulting from the ratification of a Convention. The Act fixes 14 years as the minimum age of admission of children to industrial employment, with the proviso that a child between the ages of 12 and 14 years may be employed if he has finished a course in the

elementary school (a provision sanctioned by the Convention in the special case of Japan). Japan has also adopted laws enforcing the Conventions relating to the minimum age of seamen and the medical examination of young persons employed at sea, while the Primary School Ordinance covers the minimum age in agriculture by making it compulsory for all children to complete a course of school attendance which usually terminates about the age of 14 years. The question of compensation for industrial diseases is treated under the Factory Act and certain ordinances and regulations.

Besides these laws directly based on the Conventions which Japan has ratified, there are numerous legal provisions for the protection of labour directly or indirectly influenced by the work of the International Labour Organisation. For instance, important amendments have been introduced in the legal provisions relating to hours of work, maternity protection, and the night work of women and young persons, although Japan has not ratified the relevant international labour Conventions. Nor has Japan ratified the 1927 Convention on sickness insurance; the Japanese Health Insurance Act, which covers cases of sickness, injury and death has been in force since 1926.

Of the Latin-American Pacific States CHILE alone figures among the ratifying Powers, having ratified eight Conventions. These ratifications were effected in 1925, and were made possible by the adoption of a number of important laws in 1924. The failure of other Latin-American States to follow the example of Chile is no doubt due mainly to their predominantly agricultural character. But it is also due to no small extent to the lack of appreciation of the value of the adoption of international standards to countries in the earlier stages of industrial evolution. Here, as elsewhere, the enlightenment of public opinion is an essential prerequisite to progress.

The foregoing brief account of the situation as regards the ratification and application of Conventions in the Pacific area shows that, whilst a number of happy results can be recorded, there is much that remains to be done. The recognition that the Conventions of the International Labour Organisation are effective instruments for promoting international and racial peace has only just begun to penetrate the public mind. Yet it can hardly be contested that many of the problems of the Pacific are conditioned by economic fear. There is probably no more effective way of eliminating that economic fear than by the creation of approximately similar standards of life and work in countries which are competing for the same markets. And, as the Preamble to the International Labour

Organisation's Constitution says: "The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions of their own countries." This is a truth which it appears should become ever clearer to the Pacific countries.

### III. THE ORGANISATION AND THE KYOTO CONFERENCE

No attempt has been made in this memorandum to define labour in reference to the work of the International Labour Organisation. In the Treaties of Peace themselves indeed no such attempt was made. An enumeration is, however, there given which proves that it was not contemplated that the Organisation should limit its action to labour questions in the narrow sense of the word such as the regulation of hours of work, the provision of an adequate living wage, the abolition of child labour, the limitation of the employment of young persons and the establishment of a system of labour inspection. The Preamble also speaks of the prevention of unemployment, provision for old age and injury, the protection of workers employed in countries other than their own, the organisation of vocational and technical education and other measures.

The development of the Organisation's work has proved the wisdom of the avoidance of a strict definition, since every definition involves a limitation. It has become clear that the Organisation cannot deal with labour conditions unless it also studies the economic factors on which the labour conditions depend. It has become clear that measures for the protection of workers in employment must be completed by their protection while in search of employment and when incapacitated for employment. It has become clear that there are many problems primarily of a political, economic or cultural nature, the existence of which the Organisation must recognise, and in the settlement of which the Organisation must press its principles if social justice is to be established.

On this account the International Labour Office, in approaching the Kyoto Conference, cannot limit itself to a mere summary of the labour situation in the countries of the Pacific. It is also desirable to refer, in connection with some of the items on the Kyoto agenda, to those social, economic or political factors which directly or indirectly affect labour conditions. In doing so, the opportunity will be taken of mentioning such parts of the Office's internal organisation and such progress of its studies as will illustrate the assistance that the Office can give to the Institute of Pacific Relations, and the assistance it hopes to obtain from it.



Certain aspects of this item on the agenda are dealt with by the sections of the Office which study agricultural labour, co-operation, and problems of migration and unemployment. In addition, the native labour section finds it necessary to deal with problems of food, population and land in dependent areas since they affect very largely the development of industrial problems.

The work of the Office in connection with agriculture is obviously directed to promoting the well-being of the agricultural worker and not to problems of agricultural production as such. In addition to watching the application of the decisions of the Conference relating to agricultural workers, the compilation and publication of information on conditions of agricultural labour, wages, social legislation bearing on agricultural workers, vocational agricultural education, rural housing and collective bargaining form the principal part of its activity. Broader questions fall rather within the sphere of the International Institute of Agriculture at Rome, with which, however, the Office co-operates directly and through an Agricultural Advisory Committee composed of six representatives from each organisation.

The importance of labour questions in relation to the problems of agricultural production is nevertheless patent. The cost of labour is a very important element in agriculture, and in this connection reference may be made to the report on "The relation of labour cost to total costs of production in agriculture" presented by the Office to the International Economic Conference of 1927. The conditions under which the agricultural labourer lives and works, his education, the extent to which he is protected by social legislation and entitled to benefit under social insurance schemes, all affect his efficiency as a producer, and have an important bearing on the maintenance of a proper proportion of population between the country and the town.

On the interesting question of vocational agricultural education the International Labour Office is at present preparing an exhaustive report. Another report, on "The representation and organisation of agricultural workers," which was presented to the Conference in 1928, is particularly interesting in that it was prepared as a result of a Resolution moved by Mr. Suzuki, the Japanese Workers' Delegate, at the Conference of 1925.

In regard to the population problem attention may be drawn to an article in the *International Labour Review* (Vol. XVI, No. 4, October 1927) on "The Population Problem and Industrialisation in Japan," by Dr. Ayusawa.

Co-operation in agriculture has been extensively and successfully devel-

oped in a number of countries in such domains as agricultural credit, purchase of seed, acquiring machinery, dairying and marketing. On the last point, the Office presented a report to the International Economic Conference on "The part played by Co-operative Organisations in the International Trade in Wheat, Dairy Produce, and some other Agricultural Products." Considerable material is available at the Office, in a published form or otherwise, on the other aspects of co-operation in agriculture, and the Office would be happy to assist the Institute with information in any further studies it may wish to undertake on this question.

### Migration

A memorandum on "Legislative Aspects of Asiatic Migration" was submitted to the 1927 Conference of the Institute of Pacific Relations.<sup>1</sup> Since that time, the Governing Body (in March and May 1929) decided to continue and intensify the work of the Office on migration problems, and for this purpose decided to reorganise the Permanent Migration Committee of the Governing Body. In future this Committee is to consist of 12 members of the Governing Body, four from each of the Government, Employers' and Workers' Groups, and as experts, the Presidents or their representatives of the International Migration Conferences of Rome and Havana, two representatives of the International Conference of Private Organisations for the protection of Migrants, and Mr. Louis Varlez, former Chief of the Migration Service of the International Labour Office. The first business of this Committee will be to consider the report prepared by the Office on the relations between migration and unemployment, further mention of which is made below.

It will be clear that the Office is not concerned to encourage migration movements or to restrict them, but to ensure that the consequences of such movements will be a general amelioration in the living conditions of the workers. This being so, it is not for the Office to attempt to impose on any country any given emigration or immigration policy. All it wishes to do is to strengthen the spirit of international collaboration so that those countries needing foreign labour to develop their economic resources will be able to obtain such labour from countries having an excess of labour under conditions favourable to the workers themselves.

At the present moment, it does not seem advisable to try and reach general treaties on migration movements, for it seems impossible that such treaties will be accepted universally. A more prudent policy seems to be

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<sup>1</sup> Cf. *Problems of the Pacific*, p. 451.

to favour the conclusion of bilateral agreements between countries with corresponding needs. It was with this idea in mind that a chapter was drafted on migration in relation to unemployment in the Report on Unemployment submitted to the last Session of the Conference. A number of copies of this Report are at the disposal of delegates to the Kyoto Conference. It has, however, also been considered of value to reproduce here the conclusions reached in the last chapter dealing specifically with this problem of migration in relation to unemployment.

It may be added that after considering the report the Conference adopted the following Resolution :

"The Conference refers to the Governing Body and its Permanent Migration Committee that part of the Report of the Office dealing with the international migration of workers, and particularly draws their attention to the problem of the recruiting and placing of foreign workers which was dealt with by the Washington Conference in its Recommendation concerning unemployment but which ought to be re-examined more thoroughly at an early Session of the Conference."

It may also be added that the Conference adopted a general resolution on the subject of unemployment, laying down an extensive programme of research which will take some years to carry through. Among the points which the Conference considered should be investigated was the influence on unemployment of increase of population.

The following is the quotation from the Report in question, under "General Conclusions":

"It may be recalled that this Report deals with migration only in relation to the labour market. In the first place, the statistics of recent years have been studied and certain conclusions were drawn from the facts revealed by those statistics. These conclusions may be briefly summarised as follows.

"Under a system of free and unregulated migration, the movement of migrants is determined mainly by the economic conditions prevailing in the countries of immigration. Since the war, this tendency has been strengthened because the immigration countries have adopted measures intended to adapt immigration more closely still to the needs of those countries for labour or population. Certain emigration countries have imposed restrictive regulations, but the main consequence of this from a world point of view has been that some of the immigration countries are now receiving fewer immigrants from those countries and more immigrants from other countries.

While unregulated immigration may upset the labour market in the immigration countries, a properly organised movement should, on the contrary, contribute to the economic development of those countries and actually increase employment possibilities for other workers. On the other hand, the relation between emigration and unemployment in the countries of emigration is not at all a close one, and emigration can therefore be considered only as a partial and somewhat haphazard remedy for unemployment.

"The Report then surveys existing regulations having a bearing on the labour market. Both in countries of emigration and of immigration the regulations are classified according to whether they are of a restrictive character or of a nature to encourage migration. Some of the restrictive measures are rigid and fail to adapt migration closely to the economic needs of the country. Others—such, for instance, as those concerning recruiting and contracts—are less rigid and enable the Governments to vary the volume of immigration in accordance with the changing economic situation.

"The main object of this part of the Report is to examine the possibility of relieving the labour markets of emigration countries by transferring labour from those countries to other countries where the possibilities of employment are greater, without, of course, increasing unemployment in the country of destination. It is a cause of great satisfaction that, in addition to emigration countries which are seeking outlets for their emigrants, there are also immigration countries which are seeking immigrants with a view to the economic development of those countries. It has been impossible in this Report to do more than indicate the more important points which arise in this connection, all of which require further investigation from an international point of view.

"The starting point of all migration movements must be the needs of the immigration countries and the possibilities of economic development there. This leads straight to a realisation of the importance of the part played by capital in connection with migration. Of course it is a fact which should not be forgotten that not only will economic development in the immigration countries bring about a larger migration, but that at the same time the larger migration will in its turn promote economic development. This development frequently takes the form of land settlement, but it need not necessarily do so.

"The next important matter is to organise the movement of migrants



in such a way as to take account of the needs of the countries of immigration and of emigration and the social need of the migrants themselves. In the above survey reference is made to numerous measures which have been adopted to bring about a satisfactory organisation of migration, such as the development of the contract and nomination systems, the provision of information services, the training of migrants either before they start or after they arrive, the giving of financial or other assistance either for the journey or for the initial stages of settlement after arrival, etc. But these are all unilateral measures and therefore not quite satisfactory because they only take account of certain aspects of this complicated matter.

“Another method, which in no way supersedes national legislation, but which co-ordinates the laws of different countries, has been adopted in a number of cases both in respect of continental and oversea migration, and appears to be increasing in popularity, namely, that of bilateral treaties. This method has certain obvious advantages. From the point of view of an immigration country, it ensures the co-operation of the emigration country in the organisation of the movement, and particularly in those operations (recruiting, selection, examination, etc.) which must be carried out before the departure of the emigrant. From the point of view of the emigration country, it ensures that the special interests of that country (with regard, for example, to the protection of the emigrants, social insurance, etc.) shall receive due consideration in the elaboration of the arrangements for migration. Finally, from the point of view of the migrants themselves, it facilitates a better organisation of the actual movements from country to country, thus ensuring more adequate arrangements for their protection and assistance than is the case otherwise. At the same time, many important emigration and immigration countries have found that there is nothing in the nature of bilateral agreements inconsistent with leaving the immigration country full freedom to determine the number and category of persons desired in any given period, as may be seen in the treaties already concluded, in which arrangements are generally made to settle such questions as that at periodical intervals. Moreover, it may be added that bilateral agreements are in no way inconsistent with the movement of individual migrants, for which indeed provision has frequently been made in the agreements already referred to.

“If this view is accepted, it would appear to be useful for the principles of such treaties to form the subject of discussion at the International Labour Conference. Indeed, this would appear to be the best way of

approaching the question referred to by the Economic Committee and the Economic Consultative Committee of the League of Nations (see above pp. 190-193). This question was considered at the Rome and Havana Conferences and the resolutions of those Conferences might advantageously form the basis of a further and more thorough investigation by the International Labour Office should the Governing Body decide to put the question on the agenda of the Conference."

In addition to the report here quoted, the Office considers that certain of its other publications relating to migration may be of interest to some members of the Kyoto Conference.

Since the last session of the Institute of Pacific Relations, the Office has issued two publications relating to migration. They are: *Migration Laws and Treaties* and *Migration Movements 1925-1927*.

The first of these consists of an analysis of the laws, regulations and international agreements governing migration throughout the world. It includes information with regard to about 200 countries, mandated territories, protectorates, colonies and dependencies. It is published in three volumes dealing respectively with emigration laws and regulations, immigration laws and regulations, and international treaties and Conventions.

The book on *Migration Movements 1925-1927* is a statistical study of migration throughout the world, and compares the movement of migration in the period covered with corresponding movements in the years 1920-1924. It deals both with migration from one continent to another and with migration from country to country on the same continent,

In addition the Office publishes notes on current events concerning migration once a month in *Industrial and Labour Information* and statistical information once a quarter in the *International Labour Review* (February, May, August and November).

Full particulars of these publications can be found in the catalogue issued by the Office.

The last point the Office wishes to make in regard to this item on the Kyoto agenda is that certain problems, especially those arising within the utilisation of land, are of vital importance in areas where the peoples have not or have only just emerged from a primitive economy. An explanation of the Office's attitude in regard to them, however, is reserved to the later passage treating the general problem of the government of Pacific dependencies.

national labour Conventions by China, it was stated that the problem was conditioned partly by China's relations with foreign powers and the diplomatic situation thus created. It is to be hoped that at the Kyoto Conference it will be possible to take into account the international labour situation which arises. For this purpose, the following details may prove of value.

The First Session of the International Labour Conference held in 1919 examined the question of the ratification of Conventions and their application in the case of China. A Commission on "Special Countries" was set up by the Conference. It recommended to the Conference the exclusion of China from the scope of the Draft Convention on Hours of Work, but at the same time made the following suggestions which were adopted by the Conference:

"The Commission attaches great importance to the acceptance by the Chinese Government of the principle of the protection of labour by factory legislation. It further suggests that a beginning should be made as soon as possible in the framing and administration of such legislation with reference to such important industry as now exists.

"The Commission therefore proposes that China be asked to adhere to the principle of the protection of labour by factory legislation, that, further, the Chinese Government be asked to report to the Conference next year in what way it is prepared to apply that principle. It suggests for the consideration of the Chinese Government the possibility of adopting a Convention embodying the principle of a 10-hour day or 60-hour week for adult workers and an 8-hour day or a 48-hour week for employed persons under 15 years of age; and embodying also the principle of a weekly rest day. It suggests that all factories employing over 100 workers should come within the scope of the projected legislation.

"In view of the special difficulties which the Chinese Government may experience from the existence, within the area of China, of foreign settlements and leased territories, the Commission suggests that the Conference should make the necessary representations to the Governments concerned (that is, to those Governments which at present exercise jurisdiction in these settlements and territories under treaties and engagements with China) to enforce in their territories within China the same restrictions as the Chinese Government has accepted; or, in the alternative, to decree that labour legislation adopted by the Government of China shall be enforced by that Government within those foreign settlements and territories where extraterritorial jurisdiction exists at present."

It was therefore provided in Article 11 of the Draft Convention on hours of work that the provisions of the Convention should not apply to China, but that the limitation of hours of work in China should be considered at a future meeting of the Conference. So far the Conference has not re-examined the problem, and China has not ratified any of the Draft Conventions adopted by the Conference.

At the same time, it can be stated that, under the influence of the International Labour Organisation, particularly of the decisions of the 1919 Session quoted above, steps have been taken to develop social legislation in China. In 1923 the Chinese Government promulgated the first series of regulations of a general character for the protection of workers. These provisional factory regulations fixed hours of work at ten in the day for adults and at eight for young persons. A minimum age for admission to industrial employment was established at eleven years in the case of boys and twelve years for girls. Provision was made prohibiting the night work of young persons and for paid leave for women before and after childbirth. In the same year three other orders were issued concerning conditions of labour and safety in the mines. Lastly, a Ministerial Circular was published prohibiting the manufacture, importation and sale of matches containing white phosphorus.

However, the internal troubles of China prevented the Peking Government from taking any further measures to promote labour protection until 1927, when the provisional factory regulations of 1923 were confirmed and completed by provision for penalties in case of their breach. In the spring of 1928 the success of the Nationalist Government resulted in the abrogation of these regulations promulgated by the Peking Government. The most important laws now in force are the Trade Union Act of 1924, the Conciliation and Arbitration Act of 1928, and the local regulations concerning conditions of labour in Shanghai and Canton. Finally, a Factory Bill has been drafted which the Nanking Government intends to promulgate in the near future.

Under the Peking Government, moreover, such social legislation as there was was never adequately enforced. The Government had only an uncertain authority over China outside the limits of the capital, and the foreign Concessions in which the greatest number of factories were established did not recognise the Chinese Government's laws. It was this last reason which induced the Commission on Special Countries of the 1919 Conference to record the suggestions quoted above with a view to obtain-



ing the general application of any labour protection laws adopted in China. In 1921 and 1923 the Office informed the Chinese Government that, in accordance with the suggestions of the Commission on Special Countries, it was ready to approach the Governments possessing concessions in China. In reply, however, the Chinese Government declared that section 2 of the Provisional Factory Regulations expressly covered foreign undertakings established in China, including undertakings in foreign Concessions. The reply added that the Chinese Government was directly negotiating with the foreign powers, and that it would later inform the Office whether it had any need of its assistance in the sense established by the Report of the Commission on Special Countries.

In the meantime, the Municipal Council of the International Concession of Shanghai had set up a Committee to enquire into child labour in Shanghai, and to make recommendations for the regulation of such labour. The Committee's report contained certain concrete proposals for the protection of children; in particular, provision was made for the prohibition of the employment of children under ten years of age, to be raised to twelve four years after the adoption of the regulations. Provision was also made for limiting the hours of work of children under 14 years of age to 12 in the day, and for granting them a complete hour of rest during their daily employment. Nevertheless, the Committee's report did not accept the application of the Chinese Factory Regulations of 1923. Before such application was possible, it held that such regulations should be modified in accordance with certain objections and suggestions made by the Committee, and at the very least applied in practice in the neighbouring Chinese provinces. On the other hand, Chinese opinion in Shanghai took up an opposite attitude. The Chamber of Commerce of Shanghai, for example, wrote to the Municipal Council on 29 May 1925, stating that if the Council was really guided by humanitarian considerations and at the same time wished to take account of the sovereign rights of China, it was to be asked why it did not apply the Chinese legislation of 1923. The recommendations of the Shanghai Committee were submitted to a meeting of tax-payers of the Concession, composed exclusively of non-Chinese, and as on two occasions the necessary quorum was not reached, the question fell to the ground.

Since the change in the situation in China, diplomatic negotiations have been set on foot with a view to the modification of the status of the Concessions. Whatever settlement may be arrived at, it is to be

hoped that it will be possible to develop and to apply modern principles of social legislation throughout China.

The connection between the two questions was emphasised at the recent Session of the Conference, when the question examined at Washington was brought up again by the Chinese Government delegation. The delegation moved a Resolution which, in view of its importance, is here quoted in full :

“Whereas the administrative integrity of a State in labour affairs is essential and indispensable to enable the State to discharge its duties and obligations as a Member of the International Labour Organisation ;

“Whereas it is impossible for a State successfully to enforce its labour laws within its territory, if the industrial and commercial undertakings carried on by certain foreign nationals in the State remain beyond the reach of the administration by the State of these laws, while the rest of the industrial and commercial undertakings are required to submit to this administration ;

“Whereas the industrial and commercial undertakings carried on by certain foreign nationals in a State who do not submit themselves and their undertakings to the administration by the State of its labour laws employ nevertheless numerous nationals of the State in question, and they deprive the latter of the rights of legitimate protection under their national laws administered by their own Government ;

“Whereas the Commission on Special Countries appointed by the First International Labour Conference held at Washington, anticipating to a certain degree the difficulties stated above in the territory of one of the States Members, namely China, has recognised the need for the International Labour Organisation to take steps to effect their solution ; and whereas the report of the said Commission to this effect was endorsed by the said Conference ;

“The Conference considers it urgent that States Members whose nationals now enjoy the privileges of extraterritorial jurisdiction or similar privileges in certain other countries should order their nationals to submit themselves and their industrial and commercial undertakings to the administration of the labour laws by the Governments of these countries.

“The Conference requests the Governing Body to take whatever steps may be within its competence in order to give full effect to the principle laid down above.”

In moving this Resolution, Mr. Tchou stated that there were three

types of factories existing side by side in China. There were those carried on by Chinese under Chinese law ; there were those carried on by foreigners of nations which do not enjoy extraterritorial jurisdiction, and were therefore also under Chinese law ; there was, however, a third group of factories carried on by foreigners still enjoying extraterritorial jurisdiction. The factories were scattered, so that there was a factory of one type next door to a factory of another type. It was impossible for China to enforce the Conventions or labour laws unless she were allowed to enforce them uniformly.

The Resolution obtained 53 votes with 0 against but was not adopted by the Conference owing to the quorum not being reached. Many Delegates who were in sympathy with the objects of the Resolution abstained from voting because political questions, which were the subject of discussion elsewhere, were involved. The terms of the Resolution are, however, important as showing the attitude the Chinese Government is taking up on labour questions and the necessity of taking them into account in any study of extraterritoriality in China.

It should also be noted that the fact that this Resolution was not adopted does not preclude the International Labour Office from making representations in the sense of the Resolution to Governments which enjoy extraterritorial privileges in China, should the Chinese Government desire the Office to take such action. The instructions given by the Washington Conference on the motion of its Commission on Special Countries, which were reproduced above, still govern the Office in its attitude to this question.

It hardly needs stating that this item on the agenda of the Kyoto Conference, and particularly the problems of industrialisation, vitally interest the International Labour Organisation. In the announcement of March 1st 1929, the Institute states that "several groups have indicated that the central point at issue under the heading of industrialisation should be a consideration of ways and means by which these countries which are just embarking upon industrial development may be enabled to avoid the human suffering which has resulted in the past from the social changes incidental to the transition from agricultural to manufacturing organisation." That the International Labour Organisation offers such ways and means needs no further elaboration here. Enough has been said in the part of this memorandum dealing with the principles and machinery of the Organisation to show that the results of its work are eminently fitted to guide

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States in the transition period of industrialisation so that the horrors of the industrial revolution in Western countries may be avoided. Only a limited number of observations will accordingly be made in these particular paragraphs.

While it may be necessary and possible in small areas peopled by primitive races to build temporary breakwaters against the rising economic tide, among the great peoples of the East a policy of refusal to adopt new methods of industry is recognised as impracticable. The problem, therefore, is no longer one of acceptance or denial, it is one of the terms under which acceptance can be effected. To it there are two sides: the retention of the best in the old systems of economy and social life, and the prevention of the worst in the new systems. The International Labour Office welcomes the discussion of this question by the Institute of Pacific Relations. Particularly in relation to the situation in the Pacific area, the discussions at Kyoto will afford valuable guidance to the Office. For its part, the Office will be happy to co-operate with the Institute in any further investigations it may undertake.

In considering what remedies have been adopted and found effective in dealing with the abuses from which the advanced industrial nations have suffered in their passage through the industrial revolution, investigation may be mainly concentrated on the questions of hours of work, protection of women and children, and the enforcement of protective measures. The development of the factory system has invariably shown that these are the matters which, if unregulated, are most productive of abuse, and that these are matters on which regulation is possible. The question of the protection of special classes of workers—seamen and migrants—will undoubtedly occur to the members at Kyoto as especially necessary for the prevention of race friction. The problem of unemployment will be in their minds not only when they are considering the item relating to food and population, but also when dealing with the present subject of industrialisation.

On all these questions the International Labour Office can undertake to furnish data. It will be happy to supply such data for any special studies which the Institute of Pacific Relations may determine or to any of the National Councils of the Institute. It believes that the decisions of the International Labour Conference form the best considered solutions yet laid down for international application on some of these matters. It also believes that the machinery of the Organisation forms the best means



yet accepted by the Governments of harnessing social protection to the cause of general peace.

The International Labour Office hopes that it will be possible for the Kyoto Conference to encourage research work on these problems of industrialisation. It hopes, too, that the discussions at Kyoto will take account of the main problem and its most urgent aspects in something like the following form :

Consideration of the existing international machinery for the betterment of conditions of labour and for the removal of causes of international friction arising from differing standards in those conditions ;

Examination of the particular condition now existing in Pacific countries which have evil social results or which tend to embitter relations between country and country, notably in regard to working hours and the labour of women and children.

In recent years the International Labour Organisation has devoted increasing attention to the industrial problem in areas the inhabitants of which are unable to stand by themselves under the strenuous conditions of the modern world. This development has arisen from the study of the question of the application of the decisions of the Conference in dependent areas, from the Office's collaboration with the Permanent Mandates Commission and the Temporary Slavery Commission, and, arising out of the work of the latter Commission, from a Resolution of the Assembly of the League of Nations. The prevention of the evils associated with western industrialism raises matters of wide import affecting all undeveloped or partially developed areas. In general, though not exclusively, the administration of these areas is in the hands of States already themselves industrially developed. Different policies of exploitation (using the term in its neutral sense) of the resources both in natural wealth and in labour of these areas have been put into practice with very different results, none of which can be claimed to be fully satisfactory.

To follow up these questions, the Office has created a special Native Labour Section, which is assisted by a Committee of Experts. The first step has already been taken to arrive at an international decision on what is regarded as the most urgent native labour problem—that of Forced Labour. As already recorded, the Conference this year held a first discussion on the subject and placed Forced Labour on the Agenda of the 1930 Session with a view to the consideration then of a Draft Convention and Recommendations. The Office is forwarding with this me-

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morandum a certain number of copies of the Questionnaire on Forced Labour prepared for next year's Conference, as the Committee Report included in it gives a concise account of the development of the problem as a subject for international labour legislation, and as it shows that forced labour raises many other problems affecting development policies in dependent areas. To some of these other problems the Office hopes that the Institute of Pacific Relations will turn its attention, and particularly to those relating to land, development policies, and foreign investments in Pacific dependencies.

In the experience of the Office the policy adopted in regard to land affects very largely the later development of the industrial problem. It is suggested that an enquiry into the following points arising in dependent areas would be of value :

(1) In whom is the ultimate property considered to be vested (i.e. the Colonial Power concerned, the territory, or the people of the territory)?

(2) What measures are taken to secure to the natives their existing rights in land?

(3) Under what conditions is alienation of land to foreigners permitted?

(4) As regards lands unoccupied at present, what measures are taken to safeguard the future interests of the population?

(5) Where existing systems of land tenure (e.g. tribal or communal) are considered to be inimical to progressive development, what measures are taken to change them, and what are the social and economic effects of these measures?

As regards the second problem, where economic development is for the most part left to, or confided to, private enterprise, a number of evils tend inevitably to arise. The most general and serious in its effects is probably the tendency to push development too hard, and thereby overtax the powers of the local population. There are many primitive areas in the world where it is evident that this has been done, and a recognition of this led the Permanent Mandates Commission to draft the following question :

"Does the local supply of labour, in quantity, physical powers of resistance and aptitude for industrial and agricultural work conducted on modern lines appear to indicate that it is adequate, as far as can be foreseen, for the economic development of the territory? Or does the Government consider it possible that sooner or later a proper care and

the preservation and development of the native races may make it necessary to restrict for a time the establishment of new enterprises or the extension of existing enterprises and to spread over a longer term of years the execution of such large public works as are not of immediate and urgent necessity?"

Many observers have pointed out that a too rapid development policy leads to demands for forced labour and to the application of different kinds of legal and illegal compulsion, the effects of which upon the populations concerned are universally bad. The concessionaire system in particular appears to result in evils of this character.

The above two subjects may possibly retain the consideration of the Kyoto Conference in the following form:

(1) Native rights in land: the social and economic implications of land policies in dependent areas.

(2) Policies of economic development of backward areas in relation to the capacity of the existing populations.

The third question affecting primitive peoples seems to promise a valuable field for research. In many dependent areas and in others which, though they are not politically dependent are, for one reason or another, not entirely free to follow an economic policy based upon their own needs, there are great resources under exploitation, the major part of the profits of which are utilised elsewhere without leaving behind them a proportion equivalent to that which would be left in an independent State. The result is that industrial development outpaces social progress and that, in particular, such matters as public hygiene and public education do not receive the attention that would be possible if greater funds were available. This subject has been often referred to as the economic drainage of these areas. It may be considered of importance in connection with the item on the Kyoto Agenda dealing with foreign investments. It might also be considered in connection with the government of Pacific dependencies with a view to the study of the question whether, in certain areas bordering on the Pacific, economic development has been accompanied by an adequate social development towards a higher civilisation for the native populations concerned, and if not, the probable reason for the disparity.

#### IV. CONCLUDING NOTE

It has obviously only been possible, in this memorandum, to give a

very summarised and in some respects incomplete account of the many points of contact between the International Labour Organisation and Pacific countries. Enough has been said, however, to show that the Organisation is, and is felt to be, a real factor in the life of the Pacific, that there are many ways in which it has already been able to further social progress in Pacific countries, and that it is equipped and ready to intensify that action in the future.

It is also hoped that this memorandum will serve to bring out more clearly the value of co-operation between the Institute of Pacific Relations and the International Labour Organisation. The Institute treats a wider range of questions than the Organisation, whilst the sphere of action of the Organisation is worldwide. The Institute is a research and conference body, the object of which is "to study the conditions of the Pacific peoples with a view to the improvement of their mutual relations"; the Organisation is an association of States which, in addition to functions of information and research, has means of action including the adoption of formal international treaties. There is, however, a large number of questions in which both organisations are vitally concerned, and in the solution of which, while applying their own methods and bringing their own knowledge and experience into play, the two organisations can usefully collaborate. By increased personal contacts and the frequent interchange of ideas and information good work can be done for social and international peace and concord.

#### BIBLIOGRAPHY

In the course of this memorandum attention has been drawn to certain publications of the Office of particular relevance to the actual subject discussed. In addition, a number of catalogues of the Office's publications are at the disposal of members of the Kyoto Conference. It has, however, appeared of value to conclude with a short bibliography limited to the general work of the Organisation.

CONSTITUTION AND RULES OF THE PERMANENT LABOUR ORGANISATION. 1924.		
70 p. ....	1s. 3d.;	\$0.30
DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT ITS FIRST ELEVEN SESSIONS, 1919-1928. 158 p.		
.....	1s. 6d.;	\$0.40
ILLUSTRATED BROCHURE DESCRIBING THE INTERNATIONAL LABOUR OFFICE.		
1926. 63 p. ....	1s. od.;	\$0.25
THE INTERNATIONAL LABOUR ORGANISATION: ITS IDEALS AND RESULTS.		
By E. J. Phelan, M. Sc. ....	1d.;	\$0.05



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THE INTERNATIONAL LABOUR ORGANISATION AND THE PROTECTION OF CHILDREN. 1926. 36 p. ....	1d.;	\$0.05
THE INTERNATIONAL LABOUR ORGANISATION AND WOMEN'S WORK. 1926. 21 p. ....	1d.;	\$0.05
THE INTERNATIONAL LABOUR ORGANISATION AND SOCIAL INSURANCE. 1925. 68 p. ....	1s. od.;	\$0.25
THE INTERNATIONAL LABOUR ORGANISATION AND MIGRATION .....	2d..	\$0.05
THE INTERNATIONAL LABOUR ORGANISATION AND SEAMEN .....	2d.;	\$0.05
THE INTERNATIONAL LABOUR OFFICE AS A WORLD CENTRE OF INFORMA- TION. ....	2d.;	\$0.05

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